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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/980,580 | 03/01/2002 | Eiji Masuda | 2001-1757A | 5473 |

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| EXAMINER | |
|---|---|
| FLETCHER, JAMES A | |
| **ART UNIT** | **PAPER NUMBER** |
| 2616 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/980,580 | MASUDA, EIJI | |
| | Examiner | Art Unit | |
| | James A. Fletcher | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *20 February 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1 March 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

**1.** Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

### *Drawings*

**2.** Figures 7, 8, 9(a), and 9(b) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

**3.** Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The claim recites the identical limitation as recited in claim 10, on which it depends.

***Claim Rejections - 35 USC § 102***

**4.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5.** *Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hedberg et al (4,724,495).*

**Regarding claim 1**, Hedberg et al disclose an information recording/reproduction device comprising:

- an interface for exchanging data with an external device (Col 4, lines 5-6 "an I/O processor),
- a disk controller for modulating/demodulating data to record or reproduce the data onto a disk as an information recording medium (Col 4, lines 6-7 "an archival storage and retrieval subsystem"),
- a memory for temporarily storing data to be recorded on the disk or data reproduced from the disk (Col 4, line 5 "queing image buffer memory"),
- a recording/reproduction circuit for recording data on the disk or reproducing data from the disk (Col 4, lines 6-7 "an archival storage and retrieval subsystem"),
- and a CPU for controlling the disk controller (Col 4, line 8 "a system controller"), wherein

- when recording or reproduction of data is to be performed, initially, recording or reproduction of data is performed from a position on the disk where data recording or reproduction becomes possible (Col 13, lines 35-36 "modifying the track address [to skip media defects] and complete the seek operation for 60 Hz video") with a command being issued (Col 6, lines 39-40 "Actuator movements are commanded at the beginning of vertical sync interval by the external controller"),
- followed by recording or reproduction of data corresponding to the subsequent positions (Col 13, lines 43-45 "Real time recording is accomplished by simply incrementing a track address counter each frame time"), and thereafter,
- recording or reproduction of data corresponding to each position of a part on the disk where data recording or reproduction has not been performed, is performed (Col 1, lines 52-55 "A synchronized stepping motor is used for positioning the recording head over different tracks as video frames are recorded or replayed").

**Regarding claim 2**, Hedberg et al disclose an information recording/reproduction device wherein the data is a Digital Video signal (Col 1, line 27 "a low cost magnetic digital video disk recorder").

**Regarding claim 3**, Hedberg et al disclose an information recording/reproduction device wherein, the DV signal is treated in units of frames (Col 4, lines 38-42 "Video

data storage is organized on a one field per spindle revolution basis with each field [or half-frame for interlaced video] stored on one five track 'cylinder'"), and

- recording or reproduction of a DV signal is performed from a Logical Block Address on the disk where recording or reproduction of the DV signal becomes possible (Col 10, lines 48-50 "Each of the zones contains a plurality of tracks labeled from track A0 to track A826 and trck [sic] B0 to track B826") with a command being issued (Col 6, lines 39-40 "Actuator movements are commanded at the beginning of vertical sync interval by the external controller"),
- followed by recording or reproduction of DV signals corresponding to the subsequent LBAs (Col 13, lines 43-45 "Real time recording is accomplished by simply incrementing a track address counter each frame time"), and thereafter,
- recording or reproduction of a DV signal corresponding to each LBA of a part on the disk where DV signal recording or reproduction has not been performed, is performed (Col 1, lines 52-55 "A synchronized stepping motor is used for positioning the recording head over different tracks as video frames are recorded or replayed").

**Regarding claim 4**, Hedberg et al disclose an information recording/reproduction method for recording or reproducing data on/from a disk as an information recording medium wherein

- initially, recording or reproduction of data is performed from an LBA on the disk where recording or reproduction of data becomes possible (Col 10, lines 48-50 "Each of the zones contains a plurality of tracks labeled from track A0 to track A826 and trck [sic] B0 to track B826") with a command being issued (Col 6, lines 39-40 "Actuator movements are commanded at the beginning of vertical sync interval by the external controller") and tracking being completed (Col 6, lines 1-3 "a controller for the actuators [A] and [B] to skip tracks previously found to contain media errors"),
- followed by recording or reproduction of data corresponding to the subsequent LBAs (Col 13, lines 43-45 "Real time recording is accomplished by simply incrementing a track address counter each frame time"), and thereafter
- recording or reproduction of data corresponding to each LBA of a part on the disk where data recording or reproduction has not been performed, is performed (Col 1, lines 52-55 "A synchronized stepping motor is used for positioning the recording head over different tracks as video frames are recorded or replayed").

**Regarding claim 7**, Hedberg et al disclose an information recording/reproduction method wherein the data is a DV signal (Col 1, line 27 "a low cost magnetic digital video disk recorder").

**Regarding claim 8**, Hedberg et al disclose an information recording/reproduction method wherein the DV signal is treated in units of frames (Col 4, lines 38-42 "Video

data storage is organized on a one field per spindle revolution basis with each field [or half-frame for interlaced video] stored on one five track 'cylinder'").

**Regarding claim 5**, Hedberg et al disclose an information recording/reproduction method for recording or reproducing data on/from a disk as an information recording medium, wherein

- a LBA from which recording or reproduction of data is to be started is previously decided to be a value larger than a LBA at which recording or reproduction of data becomes possible (Col 13, lines 35-36 "modifying the track address [to skip media defects] and complete the seek operation for 60 Hz video") with a command being issued (Col 6, lines 39-40 "Actuator movements are commanded at the beginning of vertical sync interval by the external controller"), and
- recording or reproduction of data is performed from a LBA on the disk from which recording or reproduction of data is to be started (Col 9, lines 57-59 "the reference signal from the latter is used to establish a recording position of all the other heads and disks") with a command being issued (Col 6, lines 39-40 "Actuator movements are commanded at the beginning of vertical sync interval by the external controller"),
- followed by recording or reproduction of data corresponding to the subsequent LBAs (Col 13, lines 43-45 "Real time recording is accomplished by simply incrementing a track address counter each frame time"), and thereafter,

- recording or reproduction of data corresponding to each LBA of a part on the disk where data recording or reproduction has not been performed, is performed (Col 1, lines 52-55 "A synchronized stepping motor is used for positioning the recording head over different tracks as video frames are recorded or replayed").

**Regarding claim 6**, Hedberg et al disclose an information recording/reproduction method wherein the LBA from which recording or reproduction of data is started, is previously decided separately for data recording and data reproduction (Col 13, line 66 - Col 14, line 1 "The head positioner system...during one field time, moves one set of heads on a given positioner to a predetermined track for either recording or playing back data").

**Regarding claim 9,** Hedberg et al disclose an information recording/reproduction method wherein the data is a DV signal (Col 1, line 27 "a low cost magnetic digital video disk recorder").

**Regarding claim 11**, Hedberg et al disclose an information recording/reproduction method wherein the DV signal is treated in units of frames (Col 4, lines 38-42 "Video data storage is organized on a one field per spindle revolution basis with each field [or half-frame for interlaced video] stored on one five track 'cylinder'").

**Regarding claims 10 and 12**, an information recording/reproduction method wherein the data is a DV signal (Col 1, line 27 "a low cost magnetic digital video disk recorder").

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
January 24, 2005

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600